

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Yolany PADILLA, *et al.*,

Plaintiffs,

V.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.*,

Defendants.

No. 18-cv-0928 MJP

**DECLARATION OF JOCELYN L.
VALENCIA**

I, Jocelyn L. Valencia, hereby declare:

1. I am an attorney licensed to practice law in California. My business address is:

1530 James M. Wood Blvd, Los Angeles, CA 90015. I am admitted to practice law in Immigration Court, the Board of Immigration Appeals, and the California Supreme Court.

2. I have been practicing immigration law for almost one year. I am a Staff Attorney at Esperanza Immigrant Rights Project (EIRP). At EIRP, I work in the Legal Orientation Program (LOP). LOP visits the Adelanto ICE Detention Center in Adelanto, California three times a week. We provide several services to *pro se* individuals who are detained and in removal proceedings. LOP conducts both group and individual orientations in which detainees are advised on: general

1 immigration law, immigration court procedure, and the specific defenses that may
2 apply in their case.

3 3. On average, LOP sees 120 individual detainees per week. Typically, over half of
4 the individuals that attend LOP have expressed a fear of return to their country of
5 origins and have or will be given credible fear interviews before an asylum officer.
6 The majority of individuals who come to LOP have been found by an asylum
7 officer to have a credible fear of return to their country of origin; however, LOP
8 also sees individuals who have received a negative credible fear determination.
9 Sometimes LOP sees individuals who have had a negative credible fear
10 determination vacated by an immigration judge.

11 4. LOP, on average, sees 80 individuals per month who have been found to have a
12 credible fear, who have entered the country without inspection, and are eligible to
13 seek a bond hearing before an immigration judge. In Adelanto, individuals who
14 have been found to have a credible fear and are eligible for a bond hearing wait at
15 minimum four weeks to have their bond hearing. However, sometimes the wait
16 time for a bond hearing may exceed four weeks if the court reschedules the bond
17 hearing for a later date.

18 5. Individuals who come to LOP have demonstrated psychological and emotional
19 harm as a result of having to wait several weeks to have their bond hearing. In the
20 past couple of months, LOP has seen several asylum seekers who were detained in
21 Victorville Prison, for about two months, before being brought to Adelanto ICE
22 Processing Center. By the time these individuals were brought to Adelanto ICE
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1 Processing Center and were found to have a credible fear, they had become
2 overcome by feelings of distraught and desperation given their custody status and
3 the conditions in the Victorville facility. The majority of these individuals have
4 been less inclined to proceed with their asylum claim and, in some cases, have
5 preferred to be sent back to their home country, despite their fear.
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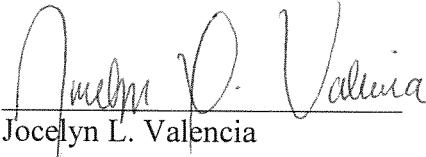
7 6. During bond hearings for individuals who pass credible fear proceedings, the
8 detained asylum seeker has the burden of proving eligibility for release from
9 detention. The burden placed on an individual is not feasible, considering they are
10 detained and are physically incapable of gathering documents for their bond
11 hearing. Individuals who come to LOP often express frustration at the difficulties
12 they faced in getting their bond documents. For instance, oftentimes there is a
13 delay in receiving documents through mail, or the phone lines at the detention
14 facility do not function, making it impossible for individuals to get a hold of their
15 family. Failure to obtain their bond documents on time results in a bond denial.
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17 7. Finally, individuals who attend their bond hearing do not receive written bond
18 decisions from immigration judges with particularized findings before they file an
19 appeal with the Board of Immigration Appeals. This is troublesome for individuals
20 who wish to appeal their bond decision but have a difficult time articulating why
21 bond was denied in the first place. It is often the case that the individuals we see at
22 LOP cannot recall the judge's oral decision state that there were issues with
23 understanding the interpreter, and/or state that they simply did not understand the
24 process. There is no requirement that all bond hearings at the Adelanto Detention
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1 Center are recorded or that the immigration court provide a transcript for use in a
2 bond appeal. Even if a transcript were available, it is uncertain how long it would
3 take to obtain a copy. The time constraint to file an appeal with the Board
4 Immigration of Appeals places an additional burden on unrepresented individuals
5 in appealing a bond denial.
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8 I declare under penalty of perjury of the laws of the State of California and the United
9 States that the foregoing is true and correct to the best of my knowledge and belief. Executed
10 this 19th day of September 2018 in San Bernardino, California.

11 By:

12 
13 Jocelyn L. Valencia